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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 DAVID JESSE BROWN,
9 Plaintiff,

10 v.
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12 WASHINGTON STATE UNIVERSITY,
13 DAVID SPROTT (in his official
14 and individual capacities),
15 CHERYL OLIVER (in her official
16 and individual capacities),
17 LAURA THOMLE (in her official
18 and individual capacities),
19 ASHLEY FAGERLIE (in her official
20 and individual capacities), EVAN
21 HURI (in his official and
22 individual capacities), CAITLIN
23 MACKAY (in her official and
24 individual capacities), JOHN DOE
25 STUDENT I, JOHN DOE STUDENT II,
26 JOHN DOE STUDENT III, JOHN DOE
 STUDENT IV, JOHN DOE STUDENT V,
 ROGER SANDBERG, CHRISTIAN
 WUTHRICH (in his official and
 individual capacities), LISA
 MCINTYRE (in her official and
 individual capacities), WAYNE
 POPESKI (in his official and
 individual capacities), SEAN
 FALCON, JOSH HART, WASHINGTON
 STATE UNIVERSITY APPEALS
 COMMITTEE (IT IS CURRENTLY
 UNKNOWN WHO THESE PERSONS ARE -
 in their official and individual
 capacities), EDWIN HAMADA (in
 his official and individual
 capacities), ANITA CORY (in her
 official and individual
 capacities), MELYNDA HUSKEY (in

30 NO. CV-11-0079-EFS

31 **ORDER DENYING AS MOOT**
32 **PLAINTIFF'S MOTION TO VACATE**
33 **ORDERS and REQUIRING NOTICE**

1 her official and individual
 2 capacities), MONTE GRIFFIN (in
 3 his official and individual
 4 capacities), JOSEPH JACKSON (in
 5 his official and individual
 6 capacities), DANIELLE HESS (in
 7 her official and individual
 8 capacities), HOWARD GRIMES (in
 his official and individual
 capacities), RALPH JENKS (in his
 official and individual
 capacities), and BILL GARDNER
 (in his official and individual
 capacities),

9 Defendants.

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 11 Before the Court is Plaintiff David Jesse Brown's Motion to Vacate
 Orders, ECF No. [14](#), which asks the Court to vacate its March 30, 2011
 12 Order Granting and Denying with Leave to Renew in Part Plaintiff's
 13 Construed Motion to Appoint Counsel and to Extend Time for Service, ECF
 14 No. [10](#).¹ Vacating the prior Order is unnecessary; the Court understands
 15 that Plaintiff desires to proceed pro se and does not wish to have
 16 counsel appointed. The lawsuit will proceed accordingly.

17 Because Plaintiff is proceeding *in forma pauperis*, ECF No. [3](#), the
 18 Court has an obligation to screen Plaintiff's complaint² before ordering
 19 service of it. 28 U.S.C. § 1915A(a).³ Yet, following the filing of his

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 21 ¹ Plaintiff noted the motion for hearing with oral argument. The
 22 Court determines oral argument is unwarranted. LR 7.1(h)(3)(b)(iv).

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 24 ² The complaint to be screened is Plaintiff's April 14, 2011
 25 amended complaint ("Complaint"), ECF No. [12](#).

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 27 ³ Although §§ 1915 and 1915A reference "prisoners," they are not
 limited to prisoner suits. *United States v. Floyd*, 105 F.3d 274, 276
 ORDER ~ 2

1 motion to vacate on April 19, 2011, Plaintiff filed a Motion to Stay
2 Proceedings, ECF No. 15. The Court is uncertain whether Plaintiff
3 desires to stay the proceeding before or after the Complaint is screened
4 (and, if appropriate, served). The Court is concerned that staying the
5 screening process may result in untimely service. See *Friedman v. Estate*
6 of *Presser*, 929 F.2d 1151, 1156-57 (6th Cir. 1991). However, this is
7 Plaintiff's lawsuit, and so the Court grants Plaintiff leave until June
8 15, 2011, to inform the Court as to how he wishes to proceed.

9 For the foregoing reasons, **IT IS HEREBY ORDERED:**

10 1. Plaintiff's Motion to Vacate Orders, **ECF No. 14**, is **DENIED AS**
11 **MOOT**.

12 2. No later than **June 15, 2011**, Plaintiff shall file a notice
13 advising whether he wishes the Court to rule on the Motion to Stay
14 Proceedings, ECF No. 15, before or after the Court screens the April 14,
15 2011 Complaint, ECF No. 12. If Plaintiff does not file the requested
16 notice by June 15, 2011, the Court will proceed to screen the Complaint.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter
18 this Order and provide copies to Plaintiff.

19 **DATED** this 18th day of May 2011.

20
21 _____ s/Edward F. Shea
22 EDWARD F. SHEA
23 United States District Judge
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25 (6th Cir. 1997), superseded on other grounds by *Callihan v. Schenider*,
26 178 F.3d 800 (6th Cir. 1997). Therefore, a court must review a complaint
filed by any person proceeding in forma pauperis. *Id.*